

SIXTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, April 4, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in
the chair.

Roll call, quorum present, the follow-
ing answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Griman.	Terrell.
Harbison.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harper. Stokes.

Prayer by the Chaplain, Rev. H. M.
Sears.

Pending the reading of the Journal of
Wednesday, on motion of Senator Stone,
the same was dispensed with.

(See Appendix for committee reports,
petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 317, A bill to be en-
titled "An Act to authorize, enable and
permit the territory situated within the
bounds of the city of Dalhart in the
county of Dallam and State of Texas,
and other land and territory adjacent
thereto, to incorporate as an independ-
ent school district for free school pur-
poses only, to be known as the Dalhart
Independent School District with all the
powers, rights and duties of independ-
ent school districts formed by incorporations
of towns and villages for free school pur-
poses only, and declaring an emergency."

Read first time and referred to Com-
mittee on Educational Affairs.

By Senator Skinner:

Senate Concurrent Resolution No. 18.

Whereas, Congress on March 16, 1906,
by an act entitled "An Act to provide
for an increased annual appropriation
for agricultural experimental stations

and regulating the expenditure thereof,
did appropriate to the several States and
Territories for the further endowment
and support of agricultural experiment
stations; the same to be paid in equal
quarterly payments on the 1st day of
January, April, July and October of each
year, by the Secretary of the Treasury
upon the warrant of the Secretary of
Agriculture, out of the treasury of the
United States, to the treasurer or other
officers duly appointed by the governing
boards of said experiment stations; to
receive the same upon the conditions and
for the purposes in said act set out, and,

Whereas, In said Act of Congress, among
other things, it is provided that the same
grants of money are made subject to the
legislative assent of the several States
and Territories, for the purposes afore-
said; now, therefore, be it

"Resolved, by the Senate and House of
Representatives of the State of Texas,
that the State of Texas, acting by and
through its Legislature, does hereby ac-
cept and assent to the said grant and
appropriation for the use and benefit of
the Agricultural and Experiment Sta-
tion, located at College Station, in the
State of Texas."

Read first time and laid on table sub-
ject to call.

By Senator Barrett:

Resolved, That \$1000 be and the same
is hereby appropriated out of the con-
tingent fund of the Senate for the pur-
pose of purchasing the picture of Presi-
dent Sam Houston, now hanging just left
of the chair of the President of the Sen-
ate.

Read and laid on the table subject to
call.

By Senator Holsey:

Whereas, The Thirtieth Legislature
is rapidly drawing to a close, and

Whereas, There is now pending in
Committee on State Affairs an important
measure to the great masses of this
State, therefore be it

Resolved, By the Senate that the Com-
mittee on State Affairs be instructed to
immediately act and report to this body
the following Senate bill:

Senate bill No. 240, A bill to be en-
titled "An Act to prohibit State Repre-
sentatives and Senators, members of
Congress, and United States Senators
from holding offices, while acting as an
attorney, or in the employment of any
public service corporation; and prescrib-
ing penalties therefor."

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall hereafter be unlawful for any person to hold the office of State Representative, State Senator, member of the United States Congress, and United States Senate, to qualify and perform the duties of the office while in the service or employment, as an attorney or otherwise, of any public service corporation or corporations.

Sec. 2. Any person violating the provisions of this act, shall, upon conviction forfeit the office and be confined in the State penitentiary for not less than one year or more than five years.

Holsey, Grinnan, Senter, Murray, Glasscock, Griggs, Skinner, Greer, Veale, Masterson, Green, Mayfield, Stokes, Kellie.

Read and laid on the table subject to call.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 713, to Committee on Towns and City Corporations.

House bill No. 479, to Committee on Stock and Stock Raising.

House bill No. 672, to Committee on Roads, Bridges and Ferries.

House bill No. 677, to Committee on Roads, Bridges and Ferries.

House bill No. 684, to Committee on Educational Affairs.

House bill No. 686, to Committee on Roads, Bridges and Ferries.

House bill No. 688, to Committee on Roads, Bridges and Ferries.

House bill No. 604, to Committee on Towns and City Corporations.

House bill No. 690, to Committee on Roads, Bridges and Ferries.

House bill No. 689, to Judiciary Committee No. 1.

House bill No. 695, to Committee on Educational Affairs.

House bill No. 696, to Committee on Educational Affairs.

House bill No. 697, to Committee on Public Lands and Land Office.

House bill No. 719, to Committee on Educational Affairs.

Morning call concluded.

HOUSE BILL NO. 547.

On motion of Senator Greer, the pending order of business (House bill No. 296) was suspended, and the Senate took

up, out of its order, House bill No. 547.

The Chair laid before the Senate, on second reading,

House bill No. 547, A bill to be entitled "An Act to create a more efficient road system for Camp county, Texas."

On motion of Senator Greer, the committee report, which provided that the bill be not printed, was adopted.

Senator Greer offered the following amendment, which was adopted:

Amend the bill by adding thereto the following:

"Sec. 28. The near approach of the end of the present session of the Legislature, and the large number of bills pending before the Senate creates an emergency and an imperative necessity, that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be put upon its third reading and final passage."

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harbison.	Terrell.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	

Absent.

Chambers.	Mayfield.
Cunningham.	Meachum.
Green.	Stokes.
Harper.	Willacy.

The bill was read third time and passed.

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 296.

The Chair laid before the Senate, as unfinished business from yesterday,

House bill No. 296, A bill to be entitled "An Act to provide for a board

to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board, and certain duties of the tax assessors of the various counties of the State."

The question was on the pending amendment by Senator Skinner. (See Journal of yesterday.)

The amendment was read and adopted.

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by striking out the following words in Section 4: "and shall also return to such assessor the copy of the tax rolls received from him."

Senator Smith offered the following amendment, which was adopted:

Amend the bill by striking out the words "1907" wherever they occur, and insert "1908."

Senator Grinnan offered the following amendment:

Amend by adding to Section 3 the following: "And there shall be levied and collected for the year 1907 and annually thereafter, and there is hereby levied and ordered assessed and collected for the year 1907, and annually thereafter a tax on the gross receipts of each and all corporations whose gross receipts are now taxed not to exceed 5 per cent."

On motion of Senator Skinner, the amendment was tabled.

Bill read second time, and passed to a third reading.

Senator Skinner moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill put on its third reading.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—17.

Alexander.	Masterson.
Barrett.	Mayfield.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Griggs.	Stone.
Holsey.	Terrell.
Kellie.	Veale.
Looney.	

Nays—8.

Brachfield.	Harbison.
Green.	Murray.
Greer.	Smith.
Grinnan.	Watson.

Absent.

Chambers.	Meachum.
Harper.	Stokes.
Mudspeth.	Willacy.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 28, directing the Governor to accept on the part of the State the invitation extended by the State of Tennessee.

House bill No. 723, A bill to be entitled "An Act to amend Chapter 124 of the General Laws of the State of Texas, Acts of the Twenty-ninth Legislature, providing for a complete system of public free schools in Texas by adding thereto Section 91a, providing for the transfer of children from one school district to adjacent district in another county."

BOB BARKER,

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after its caption had been read, the following House bill:

House bill No. 723, to Committee on Educational Affairs.

EXCUSED.

On motion of Senator Barrett, Senator Stokes was excused from attendance upon the Senate for today on account of important business.

HOUSE BILL NO. 112.

The Chair laid before the Senate, on second reading, and as unfinished business from yesterday,

House bill No. 112, A bill to be entitled "An Act to require all incorporated stock companies doing a life, fire or marine insurance business within the State of Texas to invest at least 75 per cent of the reserve set apart for the final payment of policies issued in this State in Texas securities and Texas property, and to keep the securities in which such reserve is invested deposited in the vaults of the Treasury of the State of Texas for the security of Texas policyholders."

The question was on the pending substitute amendment by Senator Smith for the pending amendment by Senators Skinner and Brachfield. (See Journal of yesterday.)

By unanimous consent, Senator Smith withdrew the substitute, and Senator Skinner withdrew the amendment.

(Senator Willacy in the chair.)

Senator Griggs offered the following amendment:

Amend by striking out Section 3, page 6.

Pending.

RECESS.

On motion of Senator Skinner, the Senate, at 12:30 o'clock, recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 112.

Action recurred on House bill No. 112, the question being on the amendment by Senator Griggs.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bills Nos. 306 and 398.

BOB BARKER,

Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 26, A bill to be entitled "An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof this act; to create a Board of Medical Examiners for the examination and licensing of physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration, the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice," with amendments by the following vote: Yeas, 113; nays, 11.

Senate Joint Resolution No. 5, To

amend Section 18, Article 5, of the Constitution of the State of Texas, so as to provide for subsequent redistricting of a county into commissioners precincts, defining the manner thereof for submitting the same to the electors of the State, and making an appropriation therefor, by the following vote: Yeas, 113; nays, 4.

The House has adopted the report of the Free Conference Committee on Senate bill No. 94 by the following vote: Yeas, 113; nays, 0.

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 26—HOUSE AMENDMENTS TO.

Senator Looney called up, as a privilege matter,

Senate bill No. 26, A bill to be entitled "An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof this act; to create a Board of Medical Examiners for the examination and licensing of physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration, the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice."

Senator Looney moved that the Senate concur in the following House amendments:

(1.)

Amend Section 1 by striking out the following language: "His inauguration," and insert in lieu thereof as follows: "This act shall become effective and biennially thereafter within ninety days after his inauguration," and also strike out of said section the language, beginning with the words "each regular organized State association" down to and including the words "shall be selected."

(2.)

Amend Section 7 by striking out the following language, viz.: "To be determined and decided by the Board of Medical Examiners," and insert in lieu thereof the following, viz.: "Whose course of instruction shall embrace not less than four terms of five months each."

(3.)

Amend Section 9 by adding thereto the following language, viz.: "Or a quorum thereof."

(4.)

Amend the third subdivision of Section eleven (11) by placing a period after the word "patients" and beginning the next word "provided" with the capital "p."

(5.)

Amend Section 12 by striking out the following language, viz.: "Board of Medical Examiners and of any member thereof to institute such suit in the name of the State upon the relation of such board or any such member," and also the remainder of said section and insert in lieu thereof the following, viz.: "Several district and county attorneys of this State to file and prosecute appropriate judicial proceedings in the name of the State, on request of any member of said board."

(6.)

Amend the bill by striking out Section No. 13 and insert in lieu thereof as Section 13 as follows, viz.:

"Sec. 13. Any person shall be regarded as practicing medicine within the meaning of this act (1) who shall publicly profess to be a physician or surgeon and shall treat, or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury, by any system or method, or to effect cures thereof.

"(2) Or who shall treat or offer to treat any disease or disorder, mental or physical, or any physical deformity or injury by any system or method or to effect cures thereof and charge therefor directly or indirectly, money or other compensation."

(7.)

Amend the bill by striking out Section 14 thereof and insert in lieu, as Section 14, the following, viz.:

"Sec. 14. Any person practicing medicine in this State in violation of the provisions of this act shall, upon conviction thereof, be fined in any sum not less than \$50 nor more than \$500, and by imprisonment in the county jail for a term not exceeding six months, and each day of such violation shall constitute a separate offense, and in no such case shall the violator be entitled to recover anything for the services rendered."

(8.)

Amend by striking out Section 15 and inserting in lieu thereof the following:

"Sec. 15. All certificates heretofore issued by any Board of Medical Examiners in this State under any former law shall be and continue in full force and effect for one year after this act shall take effect, but not afterward, and any person who may, when this act shall take effect, be practicing medicine within this State under the provisions of existing laws or under any exception contained therein, but without license, may, for one year thereafter, but not longer, continue in such practice, without license; and all such certificates and all such rights to practice medicine shall be in all respects subject to the provisions of this act as though issued or acquired under its provisions."

(9.)

Amend the bill by striking out Section 16, and insert in lieu thereof a new section, as Section 16, as follows, viz.:

"Sec. 16. The terms 'physician' and 'surgeon' as used in this act shall be construed as synonymous, and the terms 'practitioners' and 'practitioners of medicine' and 'practice of medicine' as used in this act shall be construed to refer to and include physicians and surgeons."

(10.)

Amend Section 6, page 3, line 32, after the word "all," by striking out the word "legalized," and inserting the word "legal" in lieu thereof.

(11.)

Amend the caption so as to read as follows:

"An Act to define and regulate the practice of medicine; to create a Board of Medical Examiners for the examination and licensing of physicians and surgeons and to prescribe their qualifications; to provide for their proper registration, and to provide for the revocation of their licenses, and to fix suitable penalties for the violation of this act, and also to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Alexander moved as a substitute for Senator Looney's motion that the Senate do not concur in the House amendments, and asked for a Free Conference Committee.

Pending some discussion,

Senator Looney moved that the amendments be printed in the Journal and that

consideration of the same be postponed until tomorrow.

The motion prevailed.

SENATE BILL NO. 176—HOUSE AMENDMENTS CONCURRED IN.

Senator Hudspeth called up, as a privileged matter,

Senate bill No. 176, A bill to be entitled "An Act to amend an act of the Twenty-sixth Legislature, passed at its Regular Session, being Chapter CXIX, of its acts, and entitled 'An Act to amend Article 5043, Chapter 6, Title CII, Revised Civil Statutes, as amended by the Twenty-fifth Legislature, in Chapter 121 of said acts, relating to inspection of live stock, so as to place Randall county under the operation of such law, and to remove Cochran, Cottle, Bailey, Parmer, Lamb, Crockett, Irion and Schleicher and other counties from the operation of said law,' and to provide for the appointment of an inspector of hides and animals for Zapata county."

And moved that the Senate concur in the following House amendments:

(1)

Amend by inserting word "Frio" just after word "Freestone," and immediately before word "Galveston," in line 8 of Article 5043.

(2)

Amend by adding after the word "animals," in line 5 on page 2 of the bill, the following: "Provided, however, that the hide and animal inspector of Frio county shall be permitted to serve his present term of office and collect fees thereof until January 1, 1908, when this act shall become operative as to said Frio county."

(3)

Amend by adding to the list of counties embraced in Article 5043 the following: "Jeff Davis, Pecos, Terrell, Brewster, Presidio."

The motion to concur prevailed by the following vote:

Yeas—25.

Alexander.	Greer.
Barrett.	Griggs.
Brachfield.	Grinnan.
Chambers.	Holsey.
Cunningham.	Hudspeth.
Faust.	Looney.
Glasscock.	Masterson.
Green.	Mayfield.

Meachum.	Stone.
Murray.	Terrell.
Paulus.	Watson.
Skinner.	Willacy.
Smith.	

Absent.

Harbison.	Senter.
Harper.	Stokes.
Kellie.	Veale.

Senator Hudspeth moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 259.

On motion of Senator Green, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 259.

The Chair laid before the Senate, on second reading,

House bill No. 259, A bill to be entitled "An Act to create a more efficient road system for Bowie county, Texas."

On motion of Senator Green the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Green, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Watson.
Holsey.	Willacy.
Hudspeth.	

Absent.

Harbison.	Senter.
Harper.	Stokes.
Mayfield.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Alexander	Brachfield.
Barrett.	Chambers.

Cunningham.	Masterson.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Harbison.	Senter.
Harper.	Stokes.
Mayfield.	Veale.

Senator Green moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 631.

On motion of Senator Meachum, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 631.

The Chair laid before the Senate, on second reading,

House bill No. 631, A bill to be entitled "An Act creating the Cold Springs Independent School District in San Jacinto county, Texas."

On motion of Senator Meachum, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Harbison.	Stokes.
Harper.	Veale.
Skinner.	

The bill was read third time, and passed by the following vote:

Yeas—27.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Harbison.	Stokes.
Harper.	Veale.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion of the table.

The motion to table prevailed.

HOUSE BILL NO. 701.

On motion of Senator Masterson, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 701.

The Chair laid before the Senate, on second reading,

House bill No. 701, A bill to be entitled "An Act to amend an act passed by the Twenty-ninth Legislature of Texas, Chapter LXXIV, to create a more efficient road system for Brazoria county, Texas."

On motion of Senator Masterson, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Masterson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Grinnan.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Meachum.
Green.	Murray.
Greer.	Paulus.
Griggs.	Senter.

Skinner.	Terrell.
Smith.	Watson.
Stone.	Willacy.

Absent.

Harbison.	Stokes.
Harper.	Veale.
Looney.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Harbison.	Stokes.
Harper.	Veale.
Paulus.	

Senator Masterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 686.

On motion of Senator Terrell, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 686.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.

Absent.

Harbison.	Veale.
Harper.	Willacy.
Stokes.	

The Chair laid before the Senate, on second reading,

House bill No. 686, A bill to be entitled "An Act to create a more efficient road system for Bowie county, Texas."

On motion of Senator Terrell, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Terrell the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.

Absent.

Harbison.	Veale.
Harper.	Willacy.
Stokes.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Holsey.
Barrett.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Glasscock.	Meachum.
Green.	Murray.
Greer.	Paulus.
Griggs.	Senter.
Grinnan.	Skinner.

Smith. Terrell.
Stone. Watson.

Absent.

Harbison. Veale.
Harper. Willacy.
Stokes.

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 696.

On motion of Senator Smith, the pending order of business (House bill No. 112), was suspended, and the Senate took up, out of its order, House bill No. 696.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its second reading by the following vote:

Yeas—25.

Alexander. Looney.
Barrett. Mayfield.
Brachfield. Meachum.
Chambers. Murray.
Cunningham. Paulus.
Faust. Senter.
Glasscock. Skinner.
Green. Smith.
Greer. Stone.
Griggs. Terrell.
Holsey. Watson.
Hudspeth. Willacy.
Kellie.

Absent.

Grinnan. Masterson.
Harbison. Stokes.
Harper. Veale.

The Chair laid before the Senate, on second reading,

House bill No. 696, A bill to be entitled "An Act incorporating the Bowie Independent School District in Montague county, Texas, for free school purposes only."

On motion of Senator Smith, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Smith, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Smith, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander. Looney.
Barrett. Mayfield.
Brachfield. Meachum.
Chambers. Murray.
Cunningham. Paulus.
Faust. Senter.
Glasscock. Skinner.
Green. Smith.
Greer. Stone.
Griggs. Terrell.
Holsey. Watson.
Hudspeth. Willacy.
Kellie.

Absent.

Grinnan. Masterson.
Harbison. Stokes.
Harper. Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Alexander. Looney.
Barrett. Mayfield.
Brachfield. Meachum.
Chambers. Murray.
Cunningham. Paulus.
Faust. Senter.
Glasscock. Skinner.
Green. Smith.
Greer. Stone.
Griggs. Terrell.
Holsey. Watson.
Hudspeth. Willacy.
Kellie.

Absent.

Grinnan. Masterson.
Harbison. Stokes.
Harper. Veale.

Senator Smith moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 675.

On motion of Senator Skinner, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 675.

The Chair laid before the Senate, on second reading,

House bill No. 675, A bill to be entitled "An Act to incorporate Milford School District in Ellis county as an independent school district, and to provide

for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein."

On motion of Senator Skinner, the Senate rule requiring committee reports to lie over for one day was suspended for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Skinner, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Skinner, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Watson.
Holsey.	Willacy.
Hudspeth.	

Absent.

Harbison.	Stokes.
Harper.	Terrell.
Masterson.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Holsey.	Watson.
Kellie.	Willacy.

Absent.

Grinnan.	Masterson.
Harbison.	Stokes.
Harner.	Veale.
Hudspeth.	

On motion of Senator Skinner, the vote by which the bill was passed was reconsidered and the motion tabled.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House Concurrent Resolution No. 20, Resolved by the House, the Senate concurring, That the Thirtieth Legislature stand adjourned sine die at 1 o'clock p. m., Saturday, April 12th, A. D. 1907.

Senate Concurrent Resolution No. 14, Whereas, on March 28th, House Concurrent Resolution No. 26 was passed by both branches of the Legislature, in which the Governor of this State was requested to return to the House and to the Senate, Senate bill No. 26, for correction and amendment.

Senate Concurrent Resolution No. 7, A resolution providing for the appointment of a special committee to investigate the cost of the life size picture of David Crockett, now hanging on the walls of the first floor of the Capitol, and which is the property of Mrs. Huddle, with the view of purchasing same.

Senate bill No. 236, "An Act to amend the charter of the city of Galveston by amending Sections 10, 24 and 51 thereof, Subdivision (f) and Subdivision (a) of Section 19 thereof, Subdivision (u) of Section 3 thereof, Subdivision (b) of Section 34 thereof, Sections 74, 54, 44, 78, 32, and Subdivision (a) of Section 71 and adding to said chapter Section 20 (a), Section 71 (b), Section 71 (c) and Section 71 (e), repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 210, "An Act to change and prescribe the time for holding district court in the Fourth Judicial District."

Senate bill No. 226, "An Act to amend 'An Act imposing an annual occupation tax upon each office or place kept and maintained by express companies in this State, at which intoxicating liquors legally deliverable are delivered upon payment of purchase money therefor; providing a penalty for failure to pay such tax; and declaring an emergency,' passed and enacted at the present session of the Thirtieth Legislature of the State of Texas, and approved the 12th day of February, 1907, so as to add thereto Section 2a, relieving such companies from keeping, operating or maintaining offices at which intoxicating liquors are deliverable upon the payment of the purchase price therefor, and further relieving such companies from any obligation to receive, transport or de-

liver any intoxicating liquors to be paid for on delivery."

Senate bill No. 255, "An Act to amend Chapter 5, Title CII of the Revised Civil Statutes of Texas, 1895, as amended by the Acts of 1899, by amending Article 5001c as enacted by the Twenty-sixth Legislature of 1899, relating to the mode of preventing certain animals from running at large in counties or in subdivisions thereof, so as to provide relief for enclosed land owners in cases where such land adjoins territory in which a stock law is in force, and providing an emergency."

Senate bill No. 230, "An Act to create a more efficient road system for Burnet county, Texas."

Senate bill No. 238, "An Act providing for extensions by the Penitentiary Board of the railroad now owned by the State of Texas at the Rusk Penitentiary; for its maintenance, equipment and operation; providing for condemning right of way and material therefor; providing for condemnation proceedings; providing for the issuance of bonds by the Penitentiary Board aggregating one hundred and fifty thousand (\$150,000) dollars bearing interest at 5 per cent per annum, secured by a lien upon said State railroad, its extensions and equipment; providing a method of redemption of said bonds; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that the Railroad Commission of Texas shall have jurisdiction over the traffic carried on and over said State railroad, and authorizing said Commission to compel a fair division of freight and passenger charges between said railroad and connecting lines of railroad; that said Penitentiary Board shall enforce and obey the orders and regulations of the Railroad Commission; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

Senate bill No. 53, "An Act denouncing as a nuisance any place, room, or building, in any county, justice precinct, town, city or such subdivision of a county as may be designated by the commissioners court of said county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith, prescribing a suitable proced-

ure for the search and seizure of any such liquor, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent by means of the writ of injunction at the suit of the State or any citizen thereof, the use or the contemplated use, or threatened use of any such place, room or building, or the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith, for any such illegal purpose."

Senate bill No. 94, "An Act to amend Article 325 of Title V, Chapter 4, of the Code of Criminal Procedure of the State of Texas, pertaining to the taking of bail in felony cases when the court is in session, and authorizing the sheriff or other peace officer having in custody the accused to take a bail bond, and repealing all laws in conflict herewith."

Senate bill No. 82, "An Act to establish the Texas State Board of Pharmacy, and to prescribe the power and duties of said board and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding and sale of medicines, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith."

Senate Concurrent Resolution No. 17, Inviting Hon. Robt. L. Taylor to address the Legislature in joint session.

The Chair (President Pro Tem. Skinner) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 615, "An Act to provide a more efficient road system for Burleson county."

House bill No. 664, "An Act incorporating the Huntsville Independent School District in Walker county, Texas, for free school purposes only, and declaring an emergency."

House bill No. 205, "An Act to define dependent and neglected children, and to regulate the treatment of same."

House bill No. 309, "An Act to amend Section 34, of Chapter 164 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to State and county finances and to the finances of cities incorporated under the general laws of this State, providing for designation of depositories for State, county and city funds."

House bill No. 290, "An Act to amend Section 4, Chapter 58 of the Acts of the Regular Session of the Twenty-ninth

Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of Texas, so as to change the time of holding district court in said Thirty-sixth Judicial District."

House bill No. 10, "An Act to amend Article 359, Chapter 4, Title X of the Penal Code of the State of Texas, defining what constitutes a disorderly house so as to include any house in which intoxicating liquors are sold in any county, justice precinct, school district, city or town, or subdivision of any county in which the sale of intoxicating liquors is prohibited by law."

House bill No. 206, "An Act to define 'delinquent child,' and to regulate the treatment and control of same."

House bill No. 500, "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature, and at the Regular Session of the Twenty-seventh Legislature, and at the First Called Session of the Twenty-seventh Legislature, and at the Regular Session of the Twenty-eighth Legislature, and as amended by the Regular Session of the Twenty-ninth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line; and to prohibit the sale of or shipping of game fish in this State; and to provide penalties for the violation thereof; by fixing a penalty for the use of poison, dynamite or other explosives in killing, catching and taking fish.'"

House bill No. 22, "An Act to define and prohibit and punish lobbying."

House bill No. 77, "An Act making it a misdemeanor to abandon or wilfully neglect to provide for the support and maintenance by any person of his wife, his or her minor children, in destitute or necessitous circumstances, and to provide penalties for the violation of this act."

House bill No. 564, "An Act to amend Section 9, Chapter 6, of the Special Laws enacted at the Regular Session of the Twenty-ninth Legislature, the same being a special road law for Cherokee county, approved February 15, 1905, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 120, "An Act to amend Section 114 of an act passed by the First Called Session

of the Twenty-ninth Legislature entitled 'An Act to regulate elections and to provide penalties for its violation, and to repeal the Acts of the Twenty-eighth Legislature of 1903 regulating elections, special, primary and political conventions, approved April 1, 1903, and also amended by the Second Called Session of said Twenty-ninth Legislature.'"

House bill No. 616, "An Act creating the Midland Independent School District in Midland county, Texas, and defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said districts, investing the said district with all the powers, rights and duties of an independent school district, formed by incorporation of towns and villages for free school purposes only, and providing for the raising of revenue by taxation, issuing bonds and maintaining public free schools therein and creating an emergency."

House bill No. 454, "An Act to protect game and fish in the county of Montgomery in the State of Texas; to prescribe penalties for a violation of said act, and declare an emergency."

House bill No. 381, "An Act to repeal an act to create a more efficient road system for Leon county, Texas, and making county commissioners of said county ex-officio road commissioners and prescribing their duties as such and providing for their compensation," etc.

ADJOURNMENT.

Senator Looney, at 6:20 o'clock p. m., moved that the Senate recess until tonight at 8:20 o'clock.

Senator Griggs moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until tomorrow morning at 10 o'clock prevailed by the following vote:

Yeas—14.

Alexander.	Murray.
Faust.	Paulus.
Griggs.	Senter.
Holsey.	Smith.
Kellie.	Stone.
Mayfield.	Watson.
Meachum.	Willacy.

Nays—9.

Barrett.	Cunningham.
Brachfield.	Green.
Chambers.	Greer.

Looney.	Terrell.
Skinner.	
	Absent.
Glasscock.	Hudspeth.
Grinnan.	Masterson.
Harbison.	Stokes.
Harper.	Veale.

APPENDIX.

COMMITTEE REPORTS.

(Majority Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the
Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

House bill No. 20, A bill to be entitled "An Act to amend Section 114 and add Section 114a, which prescribes for a uniform test of an act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and to provide penalties for its violation and to repeal the Acts of the Twenty-eighth Legislature, of 1903,'"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but that the following committee substitute do pass.

SKINNER, Chairman.

H. B. No. 20. Committee Substitute.

A BILL

To Be Entitled

An Act to amend Sections 103, 107, 114, 115, 116, 117 and 119, of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, entitled "An Act to regulate elections, and to provide penalties for its violation, and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary and political conventions, approved April 1, 1903, also by adding thereto Section 131a, providing the manner of contest, and Section 148a, making it a misdemeanor punishable, to violate a pledge of party fealty, and also to amend Chapter 3, Acts of the Second Called Session of the Twenty-ninth Legislature of the State of Texas, being an act to amend Section 120, Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legisla-

ture of the State of Texas, regulating elections."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 103, 107, 114, 115, 116, 117 and 119, of Chapter 11 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas be, and they are hereby amended so as to read as follows:

Section 103. No one shall vote in any primary election unless he has paid his poll tax or obtained his certificate of exemption from its payment in cases when such certificate is required before the first of February next preceding, which fact must be ascertained by the officers conducting the primary election by an inspection of the certified lists of qualified voters of the precinct and of the poll tax receipts or certificates of exemption; nor shall he vote unless he agree to the following test of party fealty, which shall be printed on the ballot, and which he shall be conclusively presumed to have agreed to by voting such ticket, viz.: "In voting this ticket I affirm that I have not, and will not vote or participate in the primaries of any other political party or organization to nominate candidates of such party or organization for any office to be voted upon by the voters at the ensuing general election, and I further affirm that I will not vote for or in any way aid or encourage the election at the ensuing general election, of any person nominated by any other political party or organization for any office who has been by any other such political party or organization nominated in opposition to the candidate for such office nominated in this primary in which I participate;" nor shall any person vote in such primary election except in the voting precinct of his residence; provided, that if his receipt or certificate be lost or misplaced, or inadvertently left at some place not immediately accessible, that fact must be sworn to by the person offering to vote; and provided further, that the requirements as to the presentation of poll tax receipts, certificates of exemption or affidavits shall only apply to resident citizens of cities of over 10,000 population as shown by the last United States census.

Section 107. The vote at all general primaries shall be by official ballot, which shall have printed at the head the test prescribed in Section 103, and below and immediately following the

name of the political party, and under such head the name of each candidate; those for each nomination being arranged in the order determined by the various committees as herein provided, and the voter shall erase or mark out all names he does not wish to vote for.

Section 114. On the fourth Saturday in August succeeding each general primary election there shall be held in each district within the State in which any candidate or candidates for any district office are to be elected at the succeeding general election, a meeting of the district executive committee for that district, notice of the time and place of holding such meeting shall be given by such committee to each of the candidates for the office or offices at least ten days prior to such meeting, and also by publication in some newspaper of general circulation in said district. The committee shall elect one of its number chairman, and on the day named for the meeting of the committee above provided it shall tabulate the vote cast in the various counties for each candidate for the district office, which has been certified to such committee as provided in this act; and said committee may adjourn from day to day until it has possession of complete returns from all of said counties showing the vote cast therein for each candidate; and the candidate for such district office who shall have received a majority of all the votes cast in said primary for the several candidates for that office is hereby, and shall be by said committee, declared and certified the nominee for such office.

If there should be but two candidates for said office, and it shall appear from the returns that they received the same number of votes, the committee shall in some impartial manner cast lots as between the two candidates for the nomination, and the one thus chosen is hereby declared the nominee.

If no candidate shall have received a majority of all the votes cast in said district for the candidates for said office, then the committee shall proceed by the process of elimination and calculation to determine, declare and certify the nominee, as provided in Section 120; provided, however, that all the proceedings of the committee shall be public, and the candidates and their friends shall be permitted to be present and witness the entire proceedings of said committee.

Section 115. On the first Saturday after primary election day for 1908, and each two years thereafter, there shall

be held in each county, a county convention of each party, to be composed of delegates from each voting precinct to be elected by the voters thereof on primary election day, and the delegates so selected or such of them as may attend the county convention shall cast the vote of such precinct, which vote shall be one for each twenty-five votes, or a major fraction thereof cast in said precinct for the candidate or candidates of that party for Governor at the primary election held on that day.

The county convention shall elect a convenient number of delegates to the State convention, and those elected or such of them as may attend the State convention shall cast the vote of such county in the State convention, which vote shall be one for each 300 votes or a major fraction thereof cast for the candidate or candidates for Governor in said county in the party primary just held, and shall also elect a chairman of the executive committee when no person has been elected in the primary, and shall transact such other business as may be necessary.

Immediately upon the adjournment of each county convention, the chairman and secretary thereof shall make out a list of the delegates chosen to the State convention, and shall sign the same, which shall, on the assembling of the State convention, be delivered to the credentials committee of such convention.

Section 116. All party State conventions to consider matters of interest to the party and country, and to make platform declarations of principles and demands, shall, except as otherwise provided, meet at such place as may be determined by the parties respectively on the second Tuesday in August, A. D. 1908, and every two years thereafter, and it shall remain in session from day to day until the work of the convention is finished.

Provided, that said convention shall, among other things, elect a chairman of the State Executive Committee, and thirty-one (31) members thereof, one from each Senatorial district who shall be recommended to said convention by the delegates representing the counties composing the Senatorial districts respectively, each county in such selection, voting its convention strength, and each of said committeemen shall hold said office until his successor is elected, and in case of a vacancy in the office of a committeeman, the same shall be filled by the chairman, and in case the office

of chairman becomes vacant for any reason, the same shall be filled by a majority vote of the committee, a majority of whom shall constitute a quorum for the transaction of all business.

Section 117. On primary election day, 1908, and every two years thereafter, candidates for Governor, and for all other State offices, to be chosen by a vote of the entire State, and candidates for Congress, and all district offices to be chosen by the vote of any district comprising more than one county, to be nominated by each organized political party that cast one hundred thousand votes or more at the last general election shall, together with all candidates for office to be filled by the voters of a county or a portion of a county, be nominated by a direct vote cast in the party primary election by the qualified voters voting therein, and without the intervention of any convention, the Chairman of the Executive Committee in each county shall, as soon as the vote cast in the primary election has been counted and canvassed, as provided by this law, prepare a tabulated statement of the votes cast in his county for each candidate for each nomination for a State, district, county or precinct office, and for county chairman, as shown by the canvass made by the county executive committee, shall immediately mail such statement, as to State and district offices, in a sealed envelope, by registered letter, to the Chairman of the State Executive Committee, or Chairman of the District Executive Committee, as the case may be, who shall preserve and present the same to the State and district committee at its respective meeting to be held as herein provided, and said chairman shall, on request, furnish over his certificate to each candidate involved in said returns, a duplicate of said tabulated statement of votes cast, as above mentioned, and provided further, that the County Executive Committee may determine whether the nomination of county and precinct officers shall be by a majority or plurality vote of such county or precinct, and if by a majority vote, then the committee may provide for as many such primary elections as may be necessary to make such nomination by a majority vote.

Section 119. On the Monday preceding the second Tuesday in August, 1908, and every two years thereafter, the State Executive Committee shall meet at the place selected for the meeting of the State convention, and shall open

and canvass the returns of the primary election as to nominations for State offices, as certified by the various county chairmen to the State chairman, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, which statement shall be approved by the State committee and certified to by the chairman of said committee.

Section 2. That Section 120 of Chapter 11, of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas, as amended by Chapter 3 of the Acts of the Second Called Session of the Twenty-ninth Legislature of the State of Texas be, and the same is so amended as to read as follows:

Section 120. The candidate for a State or a district office, as the case may be, who receives a majority of all the votes cast, in the primary election, for the several candidates for said office, in the State, if a State office, or in the district, if a district office, is hereby declared the nominee of such party for said office, and shall be so certified by and to the proper authority.

If no candidate receives, in said primary, a majority of all the votes cast for the candidates for any such State or district office, the candidate who is shown by the returns to have received the smallest number of votes therein, shall be eliminated from further consideration, and the votes received by such dropped candidate in the several counties of the State or such district as the case may be, shall be divided and prorated among the remaining candidates by counties, that is to say, there shall be added to the vote received by each of the remaining candidates in each county, a pro rata share of the vote that the dropped candidate received in that county, which shall be arrived at by dividing the vote received by the dropped candidate in such county among the remaining candidates in proportion to the vote received in said county respectively by each remaining candidate; and if it then appears that either of the remaining candidates has to his credit a majority of the votes cast in said State or district for the candidates for the office under consideration, he is hereby declared to be the nominee of said party for said office, and shall be so certified by and to the proper authority; but if no one of the remaining candidates has such majority, after the first elimination, then the candidate remaining who has to his credit

the smallest number of votes, shall be eliminated from further consideration, and the vote to his credit from each county, including the original vote received by him in the primary in that county as well as the pro rata added thereto from the division of the vote of the candidate first eliminated, shall in like manner and by the same process be divided among the remaining candidates, and so on, by this method of elimination, division, and addition, until some candidate has to his credit a majority of all the votes cast at such primary for the several candidates for the office under consideration, and he is hereby declared the nominee of the party for such office.

All nominations for State and district offices shall be made without the intervention of a convention, and the respective State and district committees shall have no other discretion than to canvass and tabulate the returns and ascertain and declare the result of the election from the returns certified to them, and to make correct divisions of the vote of any dropped candidate among those remaining.

The result of the primary, ascertained as above provided, shall be, if a State office certified by the Chairman of the State Executive Committee to the Secretary of State, who shall in turn certify the same to all county clerks, and if a district office, the Chairman of the District Executive Committee shall certify same to the county clerks of the several counties composing the district; provided, that this section shall be construed to mean that the vote that each candidate receives in each county shall be tabulated separately, and when a candidate is eliminated as above provided, the vote that he received in each county together with the pro rata part of the vote of any dropped candidate added thereto, shall be divided and apportioned among the other candidates, with reference to the vote that each remaining candidate received in that particular county.

Sec. 3. That there be added to said Chapter 11, Acts of First Called Session of the Twenty-ninth Legislature, as amendments, Sections 141a and 148a, to read as follows:

Section 141a. All contests for a nomination in a primary election for a State or district office based upon fraud, mistake or illegality in the method of making returns, or of canvassing and tabulating the same or of eliminating candidates and apportioning the vote of

such dropped candidate among the remaining, shall be filed, if for a State office, in a district court of Travis county, and if for a district office, in a district court of either the county of the residence of the contestee or of the Chairman of the District Executive Committee.

The complaining candidate shall, within five days after the nomination has been declared by the committee, file in the court of proper jurisdiction, a complaint setting forth succinctly his grounds for the contest, which shall not require a citation, but the contestee, shall at least five days before he is required to answer, be served with a copy of such complaint; which service the contestant can cause to be made by any officer authorized to serve civil process or by any adult person and a certificate of such officer or the affidavit of any such person who makes service stating the time and place of such service shall be sufficient prima facie return.

Within five (5) days after service, the contestee shall make specific answer to such complaint, and the case shall be by the court set down for hearing as early as possible.

The case shall proceed and be tried as other civil cases, except that same may be heard in vacation, and on appeal by either party the transcript shall be immediately made up and the record filed in the proper Court of Civil Appeals, which court shall immediately consider and dispose of the case and if it is in vacation it shall immediately assemble for that purpose and its judgment shall be final.

The bond on appeal shall be payable to appellee conditioned for the payment of all costs and all proceedings of the trial and appellate courts shall be conducted as expeditiously as possible with the view of bringing the controversy to a finality in time for the successful litigant to have his name properly certified to the proper authorities to be printed upon the official ballots, and for that purpose the clerk of the district court or the clerk of the Court of Civil Appeals, as the case may be, shall certify the result of said contest and the Secretary of State and the county clerks, respectively, shall be governed accordingly.

Section 148a. Any person who, at any primary election, votes a ballot with a pledge of party fealty printed thereon, as provided in Section 103 of this act, and at the time of voting said

ballot said voter had prior thereto on the same day voteu for or participated in, the nomination of candidates for office by any opposing political party or organization, or if said voter should after voting said ballot, violate the pledge taken by him, he shall in either event be guilty of a misdemeanor within the meaning of this act, and shall be punished accordingly.

(Minority Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Privileges and Elections, to whom was referred

House bill No. 20, A bill to be entitled "An Act to amend Section 114, and add Section 114a, which prescribes for a uniform test of an act passed by the First Called Session of the Twenty-ninth Legislature, entitled 'An Act to regulate elections and to provide penalties for its violation,' and to repeal the Acts of the Tewnty-eighth Legislature, of 1903,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

ALEXANDER,
SENER.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 686, A bill to be entitled "An Act to create a more efficient road system for Bowie county, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Green, Chairman; Watson, Glasscock, Hudspeth, Meachum.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 677, A bill to be entitled "An Act to amend an act entitled 'An Act to create a more efficient road law for Dallas county, Texas,' passed by the Twenty-ninth Legislature, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Green, Chairman; Meachum, Watson, Hudspeth, Glasscock, Senter.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 675, A bill to be entitled "An Act to incorporate Milford School District in Ellis county as an Independent School District, and to provide for the election of trustees, raising revenues by taxation issuing bonds and maintaining public free schools, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Green, Grinnan, Kellie, Senter, Paulus, Glasscock.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 317, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Dalhart, in the county of Dallam and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Dalhart Independent School District, with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only, and declaring an emergency,"

Have had the same under consideration, and we report same back to the

Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Green, Grinnan, Kellie, Senter, Paulus, Glasscock.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 332, A bill to be entitled "An Act authorizing trustees of public schools to employ kindergarten teachers, and authorizing the issuance of certificates,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Green, Kellie, Senter, Paulus, Glasscock.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 719, A bill to be entitled "An Act creating the Kerens Independent School District, in Navarro county, and to provide for the election of trustees, raising revenue by taxation, issuing bonds and maintaining public free schools therein,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Green, Grinnan, Kellie, Senter, Paulus, Glasscock.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 723, A bill to be entitled "An Act to amend Chapter 124 of the General Laws of the Twentieth Legislature of the State of Texas, providing for a complete system of public free schools in Texas, by adding thereto Section 91a,"

Have had the same under considera-

tion, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Grinnan, Green, Senter, Meachum, Glasscock.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on State Affairs, to whom was referred

Senate Concurrent Resolution No. 16, Providing for the purchase of the two pictures, "The Battle of San Jacinto," and "Dawn at the Alamo,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Faust, Chairman; Murray, Holsey, Green, Greer.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on Internal Improvements, to whom was referred

House bill No. 481, A bill to be entitled "An Act to confer upon the Railroad Commission of Texas the power to make temporary freight and passenger rates whenever an emergency arises, the sufficiency of which shall be judged by said Commission, in order that justice may be done, or injury prevented to any person, place or locality; and to suspend temporarily any existing freight or passenger rate, and to establish temporarily any freight or passenger rate where none exists, and to declare on emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Brachfield, Chairman; Looney, Murray, Skinner, Green, Holsey, Masterson, Senter, Faust.

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 293, A bill to be en-

titled "An Act to provide for the sale of lands constituting part of the public domain; to provide for the sale of certain lands situated upon Mustang Island under certain regulations, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 112, A bill to be entitled "An Act to amend Article 958, of Chapter 1, Title XVIII of the Penal Code of the Revised Statutes of Texas of 1895, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

House bill No. 344, A bill to be entitled "An Act to amend Articles 3752, 3753 and 3754, and to repeal Article 3756, Title LXXX of the Civil Statutes of Texas, pensions, and to amend Sections 1 and 2, Chapter CVII of the General Laws of Texas passed by the Twenty-sixth Legislature, relating to Confederate Pensions,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Stone, Chairman; Skinner, Brachfield, Grinnan, Green, Masterson, Senter.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

House bill No. 697, A bill to be entitled "An Act to donate land belonging to the State of Texas, situated on Mustang Island, in Nueces county, Texas, to the United States Government, on which to locate, construct and maintain engineers' offices and other buildings," etc.,

Have had the same under considera-

tion, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Murray, Chairman; Veale, Alexander, Hudspeth, Willacy, Green.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 696, A bill to be entitled "An Act incorporating the Bowie Independent School District, in Montague county, Texas, for free school purposes only, defining its boundaries," etc.,

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Barrett, Chairman; Green, Grinnan, Kellie, Senter, Paulus, Glasscock.

SIXTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
Friday, April 5, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Griggs. Veale.
Harbison.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Stone the same was dispensed with.